

## **MINUTES**

### **MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON TAXATION**

**Call to Order:** By **CHAIRMAN JIM ELLIOTT**, on March 9, 2007 at 9:00 A.M., in Room 405 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Sen. Jim Elliott, Chairman (D)  
Sen. Jerry W. Black (R)  
Sen. Jeff Essmann (R)  
Sen. Kelly Gebhardt (R)  
Sen. Kim Gillan (D)  
Sen. Christine Kaufmann (D)  
Sen. Sam Kitzenberg (D)  
Sen. Jim Peterson (R)  
Sen. Bob Story Jr. (R)

##### **Members Excused:**

Sen. Dan Harrington (D)  
Sen. Trudi Schmidt (D)

**Members Absent:** None.

**Staff Present:** Lee Heiman, Legislative Branch  
Lois O'Connor, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: None.  
Executive Action: SB 470, SB 472, SB 494, SB 515, SB 530

**General Discussion:**

00:11:09 Sen. Jim Elliott

00:13:26 Sen. Kelly Gebhardt

**EXECUTIVE ACTION ON SB 470**

00:15:19 **Motion:** SEN. ELLIOTT moved that SB 470 DO PASS.

**Discussion:**

00:15:34 Sen. Elliott

00:17:18 Sen. Robert Story

00:19:25 Sen. Elliott to Sen. Story

00:19:40 Sen. Elliott to Brenda Gilmer, Attorney, Montana  
Department of Revenue (DOR)

00:20:27 Sen. Story to Ms. Gilmer, DOR

00:23:39 Sen. Jeff Essmann to Ms. Gilmer, DOR

00:24:16 Sen. Story to Ms. Gilmer, DOR

00:26:51 Sen. Jim Peterson to Ms. Gilmer, DOR

00:31:25 Sen. Elliott

00:31:59 Sen. Story

00:32:23 SEN. ELLIOTT withdrew his DO PASS motion.

**EXECUTIVE ACTION ON SB 472**

00:33:00 **Motion:** SEN. GILLAN moved that SB 472 DO PASS.

**Discussion:**

00:33:49 SEN. GILLAN withdrew the DO PASS motion.

**EXECUTIVE ACTION ON SB 494**

00:34:40 **Motion:** SEN. BLACK moved that SB 494 DO PASS.

00:35:28 **Discussion:**

00:36:30 Sen. Gebhardt to Sen. Black

00:39:43 Sen. Black to Lee Heiman, Staff Attorney, Legislative Services Division (LSD)

00:40:15 **Motion:** SEN. BLACK moved to amend SB 494 with amendment #SB049402.ALH. Motion carried 8-1 by voice vote with SEN. ELLIOTT voting no. SEN. SCHMIDT and SEN. HARRINGTON were excused.

**EXHIBIT**(tas50a01)

**Discussion:**

00:40:45 **Motion:** SEN. BLACK moved to further amend SB 494 with amendment #SB049401.ALH.

**EXHIBIT**(tas50a02)

**Discussion:**

00:41:20 Sen. Peterson to Mr. Heiman

00:42:06 Sen. Story

00:42:31 Sen. Elliott

00:42:39 **Vote:** Motion that #SB049401.ALH be adopted failed 4-7 by roll call vote with SEN. BLACK, SEN. ESSMANN, SEN. GEBHARDT, and SEN. STORY voting aye. SEN. GILLAN, SEN. HARRINGTON, SEN PETERSON, and SEN. SCHMIDT voted no by proxy.

00:44:14 **Motion:** SEN. BLACK moved that SB 494 DO PASS AS AMENDED.

**Discussion:**

00:45:57 Sen. Peterson

00:46:18 Sen. Story

00:47:24 Sen. Elliott

00:50:31 Sen. Black

00:52:48 Sen. Essmann

00:55:05 Sen. Story

00:57:51 Sen. Elliott

00:59:28 **Vote:** Motion that SB 494 DO PASS AS AMENDED failed 4-7 by roll call vote with SEN. BLACK, SEN. ESSMANN, SEN. GEBHARDT, and SEN. PETERSON voting aye. SEN. HARRINGTON and SEN. SCHMIDT voted no by proxy.

01:00:52 **Motion/Vote:** SEN. STORY moved that SB 494 BE TABLED. Motion carried 10-1 by voice vote with SEN. BLACK voting no. SEN. HARRINGTON and SEN. SCHMIDT voted aye by proxy.

**EXECUTIVE ACTION ON SB 515**

01:01:55 **Motion:** SEN. STORY moved that SB 515 DO PASS.

**Discussion:**

01:02:24 **Motion:** SEN. STORY moved to amend SB 515 with amendment #SB051501.AKJ.

**EXHIBIT** (tas50a03)

01:03:08 Sen. Story

01:03:59 **Motion:** SEN. STORY moved to segregate #2 of amendment #SB051501.AKJ.

01:04:31 **Vote:** Motion on the remaining amendments in #SB051501.akj carried unanimously by voice vote. SEN. HARRINGTON and SEN. SCHMIDT were excused.

01:04:48 **Motion:** SEN. BLACK moved the approval of #2 of amendment #SB051501.AKJ.

**Discussion:**

01:05:19 Sen. Gebhardt

01:05:47 Sen. Black

01:06:08 **Vote:** Motion on the adoption of #2 of amendment #SB051501.AKJ failed on a unanimous voice vote. SEN. HARRINGTON and SEN. SCHMIDT were excused.

01:06:26 **Motion:** SEN. GEBHARDT moved to further amend SB 515 with a CONCEPTUAL AMENDMENT.

**Discussion:**

01:06:32 Sen. Story

01:07:20 Sen. Story to Mr. Heiman

01:08:20 Sen. Story

01:08:59 Sen. Kaufmann

01:09:24 Sen. Elliott

01:10:23 **Vote:** Motion that the CONCEPTUAL AMENDMENT be adopted failed 3-7 by roll call vote with SEN. BLACK, SEN. ESSMANN, and SEN. GEBHARDT voting aye. SEN. HARRINGTON voted no by proxy. SEN. SCHMIDT was excused.

01:11:45 **Motion/Vote:** SEN. STORY moved that SB 515 BE TABLED. Motion carried 6-5 by roll call vote with SEN. BLACK, SEN. ESSMANN, SEN. GEBHARDT, SEN. PETERSON, and SEN. STORY voting no. SEN. HARRINGTON and SEN. SCHMIDT voted aye by proxy.

**EXECUTIVE ACTION ON SB 530**

01:14:30 **Motion:** SEN. BLACK moved that SB 530 DO PASS.

**Discussion:**

01:15:35 Sen. Gebhardt

01:16:06 Sen. Black

01:16:26 Sen. Gebhardt

01:17:32 Sen. Story

01:19:39 Sen. Kaufmann to Sen. Elliott rereferred to Sen. Gebhardt

01:21:56 **Substitute Motion:** SEN. GILLAN made a substitute motion that SB 530 BE TABLED.

**Discussion:**

01:22:19 Sen. Essmann

01:23:24 Sen. Elliott

01:23:49 **Vote: Motion that SB 530 BE TABLED carried 9-2 by voice vote with SEN. BLACK and SEN. GEBHARDT voting no. SEN. HARRINGTON and SEN. SCHMIDT voted aye by proxy.**

**Discussion:**

01:26:32 Sen. Elliott

01:27:45 Sen. Gebhardt

01:27:53 Sen. Elliott

**ADJOURNMENT**

Adjournment: 10:32 A.M.

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SEN. JIM ELLIOTT, Chairman

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LOIS O'CONNOR, Secretary

JE/lo

Additional Exhibits:

**EXHIBIT ([tas50aad.pdf](#))**